

02-10-06

*IPR*



Docket No.: 56816-RCE (70868)  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: J. Akiyama

Application No.: 10/029,363

Confirmation No.: 4327

Filed: December 20, 2001

Art Unit: 2653

For: OPTICAL DISK APPARATUS AND  
METHOD FOR ADJUSTING OPTICAL  
DISK APPARATUS LASER POWER

Examiner: Huber, Paul W.

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)**

MS ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

\*\*\*\*\*  
**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No: EV 756259824 US), and is addressed to Mail Stop: AMENDMENT, Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on February 9, 2006.

By Kathryn A. Grindrod  
Kathryn A. Grindrod

\*\*\*\*\*  
Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references/documents listed on the attached PTO/SB/08a/b. It is respectfully requested that these references/documents be expressly considered during the prosecution of this application, and that these references/documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

02/13/2006 MBERHE 00000050 041105 10029363

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I. COPIES

- a.  Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b.  This application relies under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_. The references listed on the attached Form PTO/SB08a/b were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application.

II. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

- a.  Except as may be indicated below in (b), all of the patents, publications or other information submitted herewith are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b.  A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

See English language Abstracts attached to the Japanese language document cited and provided herewith.

c. X The following additional information is provided for the Examiner's consideration:

The document cited and provided herewith was first cited in a Japanese Office Action on 5 January 2006 in an application corresponding to this application (JP2000-390155).

### FEES

III. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)**  
(check one box)

a. \_\_\_\_\_ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.

b. \_\_\_\_\_ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.

c. \_\_\_\_\_ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c) or 1.97 (d):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

a.        No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. §1.17(p).

OR

b.   X   This Information Disclosure Statement is filed after the mailing date of a Final Office Action or Notice of Allowance, whichever occurred first, but on or before the payment of the Issue Fee (37 CFR 1.97(d)). Applicant(s) hereby petition(s) that this Information Disclosure Statement be considered. See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. §1.17(p).

V. STATEMENT UNDER 37 C.F.R. § 1.97(e)  
(check only one box)

The undersigned hereby states that

a.   X   each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

b. \_\_\_\_\_ no item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c. \_\_\_\_\_ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

X Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

\_\_\_\_\_ No fee is required.

X Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this submission. However, if for any reason a further fee is required, a fee paid is inadequate or a credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

If the Examiner has any questions concerning this Information Disclosure Statement, he/she is requested to contact the undersigned. Further, if it is determined that this Information Disclosure Statement has been filed under the wrong rule, the United States Patent and Trademark Office is requested to consider this Information Disclosure Statement under the proper rule, with a petition if necessary, and to charge the appropriate fee to Deposit Account No. 04-1105.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 56816-RCE (70868). A duplicate copy of this paper is enclosed.

Dated: February 9, 2006

Respectfully submitted,

By David A. Tucker

David A. Tucker

Registration No.: 27,840

EDWARDS ANGELL PALMER & DODGE LLP

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(617) 517-5508

Attorney for Applicant

530036

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Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	10/029,363-Conf. #4327
				Filing Date	December 20, 2001
				First Named Inventor	Jun Akiyama
				Art Unit	2653
				Examiner Name	Huber, Paul W.
Sheet	1	of	1	Attorney Docket Number	56816-RCE (70868)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	BA	JP-04-163745	06-09-1992		T <sup>6</sup> <input checked="" type="checkbox"/>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached. Abstract only.

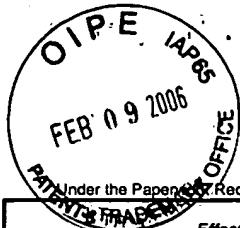
NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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530024



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

180.00

## Complete if Known

Application Number	10/029,363-Conf. #4327
Filing Date	December 20, 2001
First Named Inventor	Jun Akiyama
Examiner Name	Huber, Paul W.
Art Unit	2653
Attorney Docket No.	56816-RCE (70868)

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 04-1105 Deposit Account Name: Edwards Angell Palmer & Dodge LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$) Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
9	- 40 =	x	=	Fee (\$)
6	- 6 =	x	=	Fee Paid (\$)

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
	- 100 =	/50 (round up to a whole number) x	=	Fees Paid (\$)

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement 180.00

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	27,840	Telephone	(617) 517-5508
Name (Print/Type)	David A. Tucker			Date	February 9, 2006



Application No. (if known): 10/029,363

Attorney Docket No.: 56816-RCE (70868)

## Certificate of Express Mailing Under 37 CFR 1.10

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on February 9, 2006  
Date

Kathryn A. Grindrod  
Signature

Kathryn A. Grindrod  
Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 517-5534  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (2 pages)  
Supplemental Information Disclosure Statement (6 pages)  
Form PTO/SB/08a/b (w/1 Reference) (1 page)  
Return Receipt Postcard  
Authorization to charge \$180.00 to deposit account 04-1105